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| 10/756,988 | 01/13/2004 | Francoise Brun-Cottan | D/99/474 | 3718 |
| 41030 7590 01/07/2009 ORTIZ & LOPEZ, PLLC P. O. BOX 4484 ALBUQUERQUE, NM 87196-4484 | | | | |
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| KEATON, SHERROD L | | | | |
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/756,988

Applicant(s)

BRUN-COTTAN ET AL.

Examiner

Sherrod Keaton

Art Unit

2175

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 and 12-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 and 12-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the filing of 8-17-2008. Claims 1-10 and 12-21 are pending and have been considered below:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-10 and 12-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komar et al (US 2003/0079224 A1) in view of Kitsukawa et al. ("Kitsukawa" 6282713 B1) and Ma et al. ("Ma" 6347313 B1).

Claim 1 and 10: Komar discloses a method and system comprising:

Maintaining a searchable digital image database wherein said digital image database contains at least one data item comprising a digital image (Page 3, Paragraph 24); Here

a database disclosed in which a 3d digital image can be retrieved. This discloses the capability to store images and search for an image since databases includes operation like searching. Therefore it would have been obvious and is of the ordinary capability of one skilled in the art to provide a searchable database for digital images.

associating at least one object with a data item of said at least one data item, wherein said at least one object contains information relevant to said data item and wherein said at least one object comprises an iconette (Page 2, Paragraph 20-21; Page 4, Paragraph 31);

and further wherein said information relevant to said at least one data item comprises detailed information about said at least one digital image only (Page 2, Paragraph 19; Page 3, Paragraph 23) Here the in addition to being able to provide information about the product within the image it also can provide display area format data which deals with the actual image itself such as the bitmap information. Disclosed is the functionality to display both sources of information and one or the other as deemed for that the selected area.

displaying said data item in allocation of a display screen proximate to said at least one object, and wherein a selection of said at least one object invokes a display of said information relevant to said data item, wherein said data item is displayed simultaneously with said display of said information relevant to said data item Page 2, Paragraph 16; Page 3, Paragraph 25).

However Komar does not explicitly disclose a compacted view and that said compacted view of said data item is a compacted representation of said data item. However Kitsukawa discloses a method for providing on demand electronic advertising and further discloses a compacted view of an image (Figure 5, Column 8, Lines 57-67). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to include a compacted view of the image in Komar as taught by Kitsukawa. One would have been motivated to have the compacted view to show detailed images of possible selections such as unobstructed view with focus set on item only.

Komar also does not explicitly disclose that a **user** searches through the database. However Ma has disclosed an image database that allows a user to search for a particular image (abstract). Therefore it would have been obvious to make the database in Komar a user searchable database as taught by Ma. One would have been motivated to allow the user to search the database because it would provide a direct and efficient query for known items of interest to the user.

Claim 2 and 12: Komar, Kitsukawa and Ma disclose a method and system as in Claims 1 and 10 above and further discloses automatically invoking display of information relevant to said data item in response to dragging a graphically displayed cursor across said at least one object displayed on said display screen (Komar: Page 2, Paragraph 21; Page 4, Paragraph 31 and 32).

Claim 3 : Komar, Kitsukawa and Ma disclose a method and system as in Claim 1 above and further discloses selecting said at least one object to invoke a display of information relevant to said data item (Komar: Page 2, Paragraph 16).

Claim 4 and 14: Komar, Kitsukawa and Ma disclose a method and system as in Claims 1 and 10 above and further discloses information relevant to said data item in a form of graphical pop-up window, which when selected by user activates an additional graphical window comprising further information relevant to said data item (Komar: Page 3, Paragraph 25), (Page 4, Paragraph 31 and 32).

Claim 5 and 15: Komar, Kitsukawa and Ma disclose information relevant to said data item in a form of graphical pop-up window, which when selected by user activates an additional graphical window comprising further information relevant to said data item as in Claims 4 and 14 above and further discloses that the additional graphical window comprises an interactive region for initiating at least one user transaction thereof (Komar: Page 2, Paragraph 16).

Claim 6 and 16: Komar, Kitsukawa and Ma disclose a method and system as in Claims 1 and 10 above and further discloses at least one object as a graphical iconette displayable on said display screen (Komar: Page 2, Paragraph 16; Page 4, Paragraph 4, Page 31).

Claim 7 and 17: Komar, Kitsukawa and Ma disclose a method and system as in Claims 1 and 10 above and further discloses that the item comprises a graphical image (Komar: Page 2, Paragraph 17; Page 3, Paragraph 26).

Claim 8 and 18: Komar, Kitsukawa and Ma disclose a method and system as in Claims 1 and 10 above and further discloses displaying a compacted view of a plurality of data items in a display area of a display screen, wherein at least one data item among said plurality of data items is displayed proximate to at least one object containing information relevant to said at least one data item, wherein a selection of said at least one object invokes a display of information relevant to said at least one data item (Komar: Page 2, Paragraph 16; Page 23, Paragraph 23; Page 4, Paragraph 31).

Claim 9: Komar, Kitsukawa and Ma disclose a method as in Claim 1 above and further discloses

a.) displaying data associated with said data item as a graphical icon on said display screen (Komar: Page 2, Paragraph 16 and 20); and

b.) displaying said at least one object as an a graphical iconette embedded within a graphical frame surrounding said graphical icon, wherein said graphical iconette can be invoked by said user to display information relevant to said graphical icon (Komar: Page 4, Paragraph 31).

3. Claim 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komar et al ("Komar"US 2003/0079224 A1), Kitsukawa et al. ("Kitsukawa" 6282713 B1) and Ma et al. ("Ma" 6347313 B1) as applied to Claims 10 and in further view of Willner et al. ("Willner" 7149370) and Davis et al. ("Davis" 7010144 B1).

Claim 13: Komar, Kitsukawa and Ma disclose a method and system as in Claim 10 above and further discloses selecting said at least one object to invoke a display of information relevant to said data item (Komar: Page 2, Paragraph 16). But does not explicitly disclose wherein said object of information includes copyrights and at least one of the following; file size, file format, royalties file permissions and conditions of use. However Willner discloses a method and device for image surfing and discloses providing additional information about image including file size (Column 8, Lines 24-31). Additionally Davis discloses associating image metadata with an image which includes copyright information and format (Column 10, Lines 24-29 and 50-51; Column 11, Lines 8-10). Therefore it would have been obvious to one having ordinary skill in the art at the

time of the invention to provide file information as relevant information in the modified Komar as taught by Willner and Davis. One would have been motivated to provide file information to inform user of specific details which can enhance user's knowledge and inform them of conditions.

4. Claim 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komar et al ("Komar"US 2003/0079224 A1) in view of Kitsukawa et al. ("Kitsukawa" 6282713 B1), Ma et al. ("Ma" 6347313 B1) and Gayraud et al ("Gayraud" 5436637).

Claim 20: Komar discloses a system comprising:

Maintaining a searchable digital image database wherein said digital image database contains at least one data item comprising a digital image (Page 3, Paragraph 24); Here a database disclosed in which a 3d digital image can be retrieved. This discloses the capability to store images and search for an image since databases includes operation like searching. Therefore it would have been obvious and is of the ordinary capability of one skilled in the art to provide a searchable database for digital images.

at least one iconette associated with a data item of said at least one data item wherein said at least one iconette contains information relevant to said to data item (Page 4, Paragraph 31); Once selected the information about item is available therefore an icon or iconette is associated with the item.

and wherein said information relevant to said at least one data item comprises detailed information about said at least one digital image only (Page 2, Paragraph 19; Page 3, Paragraph 23) Here the in addition to being able to provide information about the product within the image it also can provide display area format data which deals with the actual image itself such as the bitmap information. Disclosed is the functionality to display both sources of information and one or the other as deemed for that the selected area.

a display module for displaying a compacted view of said data item in a location of a display screen proximate to said at least one iconette, and wherein a selection of said at least one iconette invokes a display of information relevant to said data item and wherein said data item is displayed simultaneously with said display of said information relevant to said data item (Page 3, Paragraph 25; Page 2, Paragraph 16; Page 2, Paragraph 20; Page 4, Paragraph 31).

However Komar does not explicitly disclose a compacted view and that said compacted view of said data item is a compacted representation of said data item. However Kitsukawa discloses a method for providing on demand electronic advertising and further discloses a compacted view of an image (Figure 5, Column 8, Lines 57-67). Therefore it would have been obvious to one having ordinary skill in the art at the time

of the invention to include a compacted view of the image in Komar as taught by Kitsukawa. One would have been motivated to have the compacted view to show detailed images of possible selections such as unobstructed view with focus set on item only.

Komar also does not explicitly disclose wherein said display module displays data associated with said data item as a graphical icon on said display screen

But Gayraud discloses a graphical user interface system and methods for improved user feedback and further discloses hints of icons containing text or graphical messages of what an icon represents (Column 3, Lines 45-59). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to include hints of data about what the icon represented in Komar as taught by Gayraud. One would have been motivated to have hints about the icon to improve the user-friendly aspect of the application because it allows the user to view where the icon will guide the user.

Komar also does not explicitly disclose that a **user** searches through the database.

However Ma has disclosed an image database that allows a user to search for a particular image (abstract). Therefore it would have been obvious to make the database in Komar a user searchable database as taught by Ma. One would have been motivated to allow the user to search the database because it would provide a direct and efficient query for known items of interest to the user.

5. Claim 21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Komar et al ("Komar"US 2003/0079224 A1), Kitsukawa et al. ("Kitsukawa" 6282713 B1), Ma et al. ("Ma" 6347313 B1) and Gayraud et al ("Gayraud" 5436637) as applied to Claim 20 and in further view of Willner et al. ("Willner" 7149370) and Davis et al ("Davis" 7010144 B1).

Claim 21: Komar, Kitsukawa, Ma and Gayraud disclose a method and system as in Claim 20 above and further discloses selection module for selecting said at least one iconette to invoke said display of information relevant to said data item (Komar: Page 2, Paragraph 16). But does not explicitly disclose wherein said object of information includes copyrights and at least one of the following; file size, file format, royalties file permissions and conditions of use. However Willner discloses a method and device for image surfing and discloses providing additional information about image including file size (Column 8, Lines 24-31). Additionally Davis discloses associating image metadata with an image which includes copyright information and format (Column 10, Lines 24-29 and 50-51; Column 11, Lines 8-10). Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention to provide file information as relevant information in the modified Komar as taught by Willner and Davis. One would have been motivated to provide file information to inform user of specific details which can enhance user's knowledge and inform them of conditions.

Response to Arguments

Argument of Claims: Applicants arguments have been considered but are moot in view of new ground(s) of rejection, as necessitated by Applicants amendment and rewriting of the Claims.

Per Claim 1, displaying digital image information only; The ability to display information rather it be about a product or a image is notoriously well known the art because as noted by applicant, data/information is just a string of ones and zeros and therefore for can be manipulated by the user however they choose and anyone of ordinary skill in the art would be easily capable of providing a display containing that information.

To further elaborate, displaying the information rather it be about a product or the image itself is not novel. The information can be manipulated as a programmer sees fit and therefore it would have been obvious that if the programmer needed to display information about a product or the image itself it could be easily performed, as shown by the references provided.

In response to applicant's argument that there is no suggestion to combine the references, the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re*

Jones, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the motivation does not have to come out of the reference it is from the understanding that if a item is partially blocked that a user will not get a full display or understanding of the item of interest.

The combinations of arts do not have to provide the functionality based on the same motivations and problems intended to be solved by the applicants' invention. Therefore if the prior art is capable of performing the same action as the intended invention, the motivation to achieve it can be different.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sherrod Keaton whose telephone number is 571) 270-1697. The examiner can normally be reached on Mon. thru Fri. and alternating Fri. off (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Bashore can be reached on 571-272-4088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3800.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

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USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SLK

1-5-09

/William L. Bashore/

Supervisory Patent Examiner, Art Unit 2175